

REMARKS/ARGUMENTS

Claims 1-13, 15, 17-24 and 26-35 are now pending in this application. Claims 1, 18, and 31 are independent claims. Claims 1, 18, and 31 have been amended. Claims 14, 16, and 25 have been cancelled.

Claim Rejections – 35 USC § 103

Claims 1-4, 7-9, 11-13, 15-17 and 31-35 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Taylor, United States Patent Number: 4,825,496 (hereinafter: Taylor), in view of Strickland, United States Patent Number: 3,988,799 (hereinafter: Strickland). Claims 18, 19, 21, 22, 26, 27, 29, and 30 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Taylor in view of Strickland, and further in view of Walker et al., United States Patent Number: 5,156,191 (hereinafter: Walker). Claim 5 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Dickerson, United States Patent Number: 6,523,209 (hereinafter: Dickerson) in view of Strickland. Claim 6 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Taylor in view of Strickland, and further in view of James, Jr., United States Patent Number: 3,138,815 (hereinafter: James). Claim 10 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Taylor in view of Strickland, and further in view of Walker. Claim 20 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Taylor in view of Strickland and Walker and further in view of Cramer, United States Patent Number: 689,464 (hereinafter: Cramer). Claim 23 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Taylor in view of Strickland and Walker. Claim 24 was rejected under 35 U.S.C. § 103(a) as being unpatentable over James, Strickland, and Walker. Claim 28 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Taylor, Strickland, and Walker. Applicants respectfully traverse these rejections.

“To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined)

must teach or suggest all the claim limitations." (emphasis added) (MPEP § 2143). "If an independent claim is non-obvious under 35 U.S.C. 103, then any claim depending therefrom is non-obvious." (emphasis added) *In re Fine*, 837 F. 2d 1071, 5USPQ2d 1596 (Fed. Cir. 1988). Applicants respectfully submit that independent Claims 1, 18, and 31 include elements that have not been disclosed, taught or suggested by any of the references cited by the Patent Office, either alone or in combination.

Independent claims 1, 18 and 31 of the present invention each generally recite a marine and pool cleaner having a hanger coupled with a transport assembly, the hanger being configured for storing the transmission assembly *in a coiled orientation*. (Present Application, Page 9, Paragraph [0017], FIG. 3). In rejecting independent claims 1, 18, and 31, the Patent Office cited Taylor as teaching a cleaning apparatus having a transport assembly (11, 12) and a transmission assembly (61), but *not* a hanger as claimed in the present invention. (Office Action, Pages 2 and 6). The Patent Office then cited Strickland as teaching a body scrubbing apparatus having a handheld cleaning device which is hung on a frame by a hanger (i.e., hook means) that is coupled with the handheld cleaning device. (Office Action, Pages 2 and 6). Based on the above, the Patent Office contended that it would have been obvious to take the hanger of Strickland and couple it with the transport assembly of Taylor to arrive at the claimed invention. (Office Action, Pages 2, 3, and 6).

Neither Taylor, nor Strickland, either alone or in combination, disclose, teach or suggest the above-referenced elements of the claimed invention. The Patent Office *clearly* cited that Taylor does *not* teach a hanger coupled with the transport assembly. (Office Action, Pages 2 and 6). Strickland teaches a body scrubbing apparatus (11) having a handheld cleaning device (i.e., a brush arm component, 47) that, when not in use, may be hung on a frame (44) via a hanger device (i.e., a hook element, 68), the hanger device being attached to the brush arm component 47. (Strickland, Column 3, Lines 7-12, Column 10, Lines 41-43). In Strickland, the purported hanger device (i.e., hook element 68) inserts into a slot formed in the housing (44) of the apparatus (11), thereby allowing the brush arm component (47) to be stored on the housing (44) of the apparatus (11). (Strickland, Column 10, Lines 41-46). However, Strickland does not

teach a hanger device configured for storing a transmission assembly, as claimed in the present invention. In Strickland, the transmission assembly (i.e., the flexible shaft component, 33), is not stored. (*see* Strickland, FIG. 1). In contrast, in the present invention, a marine and pool cleaner is taught in which the hanger allows for storage of the transmission assembly (ex.-a flex-drive cable) *in a coiled orientation* when the marine and pool cleaner is not in use. (Present Application, Page 9, Paragraph 0017, FIG. 3). By storing the transmission assembly in a coiled orientation, the claimed hanger of the present invention may prevent damage (i.e.-kinking, being run over, etc.) to the transmission assembly when the marine and pool cleaner is moved from place to place via the coupled transport assembly. Further, the hanger's ability in the present invention to store the transmission assembly in a coiled orientation allows for use of a transmission assembly, such as a flex-drive cable or pneumatic hose, which may be as long as 150 feet. (Present Application, Page 5, Paragraph 0010). This is especially useful in the present invention, in that it allows a user to operate the cleaning head assembly (102) to clean a surface that is remote from the drive assembly (104). (Present Application, Page 5, Paragraph 0010). Storage of the transmission assembly (33) is not addressed in Strickland. As discussed above, the hanger (68) of Strickland is merely configured to insert into a slot formed in the housing (44) of the apparatus for coupling the brush arm (47) with the housing. Applicants contend that it would not have been obvious to look to the shower or bathroom wall hanger/hook of Strickland and modify it to be suitable for storing a transmission assembly, such as a 150 foot flex-drive cable or pneumatic hose, in a coiled orientation, as claimed in the present invention.

Based on the rationale above, Applicants contend that none of the references cited by the Patent Office against the present invention, either alone or in combination, discloses, teaches or suggests a hanger coupled with a transport assembly, and configured for storing a transmission assembly in a coiled orientation as claimed in Claims 1, 18 and 31 of the present invention and therefore, the above-cited references do not preclude patentability of the present invention under 35 U.S.C. § 103(a). Applicants further contend that it would not have been obvious to one of ordinary skill in the art at the time of the present invention to provide a hanger as claimed in the present invention. As a

result, a *prima facie* case of obviousness has not been established for independent Claims 1, 18 and 31. Thus, independent Claims 1, 18 and 31 are believed allowable. Further, Claims 2-13, 15 and 17 (which depend from claim 1), Claims 19-24 and 26-30 (which depend from claim 18) and Claims 32-35 (which depend from claim 31) are therefore allowable.

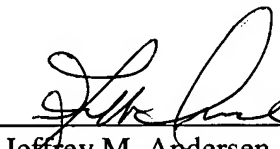
Further, Applicants maintain their previous argument that there would have been no motivation for one of ordinary skill in the art at the time of the present invention to combine or modify Taylor and Strickland to arrive at the claimed invention, as discussed in their prior *Amendment and Response to Final Office Action*, filed July 25, 2005.

CONCLUSION

In light of the forgoing, reconsideration and allowance of the pending claims is earnestly solicited.

Respectfully submitted on behalf of
Porter-Cable Corporation,

By: _____


Jeffrey M. Andersen
Reg. No. 52,558

Dated: September 22, 2005

Jeffrey M. Andersen
Suiter • West • Swantz PC LLO
14301 FNB Parkway, Suite 220
Omaha, NE 68154
(402) 496-0300 telephone
(402) 496-0333 facsimile